1st Public Comment Period for James River (tidal) and Tributaries PCB TMDL Public Meetings (2/2/11- 3/4/11). Public comments and DEQ responses are separated by a blank page.

From: Alling, Mark (DEQ)
Sent: Wednesday, February 02, 2011 3:57 PM
To: Chee Saunders
Cc: Smigo, Margaret (DEQ)
Subject: RE: Tidal James PCB TMDL Public Meeting

Thank you for your vote of confidence on the James PCB TMDL and on the need for more monitoring. We agree with you. However in the short term we are told to anticipate further cuts in monitoring funds.

From: Chee Saunders [mailto:
Sent: Wednesday, February 02, 2011 3:48 PM
To: Richards, Mark (DEQ); Smigo, Margaret (DEQ); Alling, Mark (DEQ); 'Jian Shen'
Subject: Tidal James PCB TMDL Public Meeting

Mark, Margaret, Dr. Shen and Mark,

I wanted to thank you for the excellent presentations and discussions yesterday at the Tidal James PCB TMDL Public Meeting. The meeting was very informative and I certainly learned a lot and have a much better understanding of PCBs and the TMDL process. Thanks also for posted the Powerpoint presentations.

Aside from the funding for the PCB TMDL study I do hope more funding is provided to reestablish the monthly water quality sampling in the James River and other watersheds. Conducting regular water quality sampling and establishing a on-going baseline dataset is imperative.

Best Regards,

Chee Saunders

Chee Saunders PG, PWS
Senior Geologist
Marshall Miller & Associates
10988 Richardson Road
Ashland. VA 23005

From: Richards, Mark (DEQ)
Sent: Thursday, February 03, 2011 7:32 AM
To: Chee Saunders
Cc: Smigo, Margaret (DEQ)
Subject: RE: Tidal James PCB TMDL
Attachments: 2010 PCB WQC derivation.doc

Good morning Chee,

I'm very happy to hear that the meeting provided a good leaning opportunity for folks relative to the PCB problem. I do remember Virginia Kelly asking the question and I must have had a memory lapse at that moment. The translator used is actually a Bioconcentration Factor (BCF) – the attachment provides the calculations for both fish and water. The BCF is based on laboratory study performed back in the '80s and represents the amount of bioaccumulation that occurs based on the water PCB concentration with the exposure pathway through the gills.

I hope this answers your question. If there is anything else I can help you with, please let me know!

Mark

mark.richards@deq.virginia.gov

Mark A. Richards
Office of Watershed Programs
Department of Environmental Quality
629 East Main St.
Richmond, VA 23219
(804) 698-4392

From: Chee Saunders [mailto:
Sent: Wednesday, February 02, 2011 4:20 PM
To: Richards, Mark (DEQ)
Subject: Tidal James PCB TMDL

Good Afternoon Mark,

It was good meeting you yesterday. I thought the presentations were very good and informative. I learned a lot from all the segments and am glad you included the PCB 101 and the TMDL process presentations.

As a follow-up to one of the questions by Virginia Kelly, I am interested in learning more about the "translator" for water quality criteria to fish tissue values or guidelines. If feasible I would appreciate you sending some information or links so I can better understand this conversion. You believe you mentioned something from EPA and some assumptions. Unfortunately I wasn't able to get everything in my notes.

Thanks again.

Best Regards,

Chee Saunders

Chee Saunders PG, PWS
Senior Geologist

Marshall Miller & Associates
10988 Richardson Road
Ashland, VA 23005

Appendix A

(Calculations for PCB WQC and Equivalent Tissue Screening Value)

$$\text{Water Quality Criterion} = \frac{RL \times BW}{CSF \times (CR \times BCF)} \qquad \text{Fish Screening Value} = \frac{RL \times BW}{CSF \times CR}$$

Where:

BW = average adult body weight **70 kg** (154 lbs.)
CR = fish consumption rate **0.0175 kg/day** .
BCF = bioconcentration factor **31,200** (recommended by EPA WQC, 1980)
RL = cceptable extra risk level for extra cancer risk. In Virginia WQC; 1 additional cancer in 100,000 population, or **0.00001**.
CSF = cancer slope factor **2** (or cancer potency factor) a measure of carcinogenicity **(updated in EPA-IRIS 1997)**

PCBs (total), proposed 9 VAC 25-260-140, **WQC = 0.00064 ppb**

PCBs (total) **BCF = 31,200** **CSF = 2**	**Water Quality Criteria**	**Equivalent Tissue Screening Value**
Example Calculation	$\frac{0.00001 \times 70}{2 \times (0.0175 \times 31{,}200)}$	$\frac{0.00001 \times 70}{2 \times 0.0175}$
Final Value	0.000000641 mg/L (ppm) ≈ 0.00064 µg/L (ppb) ≈ 0.640 ng/L (ppt)	0.02 mg/kg (ppm) ≈ 20 µg/kg (ppb)

Note: final WQC and screening values are rounded to two significant digits

From: Smigo, Margaret (DEQ)
Sent: Friday, March 04, 2011 5:11 PM
To: Ewing, Amy (DGIF); Fowler, Dean (DGIF)
Cc: Gwynn, Becky (DGIF); Norman, Mitchell (DGIF); Minarik, Mike (DGIF); Askins, Glen (DGIF); West, Phil (DGIF); Fernald, Ray (DGIF); Richards, Mark (DEQ); Alling, Mark (DEQ)
Subject: RE: Tidal James River TMDL

Ms. Ewing and Mr. Fowler,

DEQ will add you both to our contact lists for the TMDL development. I will also add your names to the TAC roster. DEQ will begin requesting TAC participation very soon and we are looking at a first TAC meeting probably sometime this summer. We appreciate your willingness to participate in this project and look forward to working with you.

Best Regards,
Margaret Smigo
DEQ – Piedmont Regional TMDL Coordinator

From: Ewing, Amy (DGIF)
Sent: Friday, March 04, 2011 5:04 PM
To: Smigo, Margaret (DEQ)
Cc: Fowler, Dean (DGIF); Gwynn, Becky (DGIF); Norman, Mitchell (DGIF); Minarik, Mike (DGIF); Askins, Glen (DGIF); West, Phil (DGIF); Fernald, Ray (DGIF)
Subject: Tidal James River TMDL

Margaret,
Thank you for providing us the opportunity to comment on the information provided during the February 1 public meeting on the proposed Tidal James River PCB TMDL development. We look forward to working with DEQ on this initiative. As a means to do so, we request an invitation to participate on the TAC for this project. The best contacts for this project and our participation on the TMDL are as follows:

Amy Ewing (contact info below)

Dean Fowler, VDGIF Region I Aquatic Biologist
804-367-6796
Dean.Fowler@dgif.virginia.gov

Please keep us posted.

Thanks, Amy

Amy Ewing
Environmental Services Biologist
VA Dept. of Game and Inland Fisheries
4010 W. Broad Street
Richmond, VA 23230
804-367-2211
amy.ewing@dgif.virginia.gov

From: Smigo, Margaret (DEQ)
Sent: Friday, March 04, 2011 6:21 PM
To: 'Scott Burger'
Cc: Alling, Mark (DEQ); Richards, Mark (DEQ)
Subject: RE: James PCB PUBLIC COMMENT

Thank you for your public comment Mr. Burger. It will be incorporated into the PCB development project for the first comment period.

DEQ has requested local facilities participate in a monitoring study for this project. Many facilities have been active in the discussions and some have verbally acknowledged that they are sampling in order to provide data which will be used in the TMDL development.

We will be forming a Technical Advisory Committee soon, which is open to all who are interested. We hope you will consider joining.

Best Regards,
Margaret Smigo
DEQ-Piedmont Regional TMDL Coordinator

-----Original Message-----
From: Scott Burger [mailto:
Sent: Friday, March 04, 2011 5:10 PM
To: Smigo, Margaret (DEQ)
Subject: James PCB PUBLIC COMMENT

I would like to see the state government hold past corporate polluters more accountable for the cleanup of PCB's from the river.

I am concerned about the effects of PCB's on human and overall environmental health of the James River.

From: Smigo, Margaret (DEQ)
Sent: Friday, March 04, 2011 6:25 PM
To: 'Mr James Shelton'
Cc: Richards, Mark (DEQ); Alling, Mark (DEQ)
Subject: RE: Please Clean up the PCB's in the James River.

Mr. Shelton,

Thank you for your comment! DEQ greatly appreciates and values your participation in the development of this study! We hope you will continue to follow the TMDL project – we expect to begin forming the Technical Advisory Committee this Spring. If you have an interest in joining the Committee, please let us know.

Best Regards,
Margaret Smigo
DEQ-Piedmont Regional TMDL Coordinator

From: Mr James Shelton [mailto:
Sent: Friday, March 04, 2011 5:15 PM
To: Smigo, Margaret (DEQ)
Subject: Please Clean up the PCB's in the James River.

I have fished in the James River as a child but now this is not considered safe because of PCB.s The James River would be a good place to grow oysters but because of PCB's Oysters may not be consumed from the Chesapeake Bay or the James River. they are only grown for consumption in the Rappahannok or the Eastern Shore. Please find a way to limit these PCB's and eventually reduce them down to a safe level so we can all enjoy the rivers again and rebuild our tourism industries. The James River needs a major clean up. Please establish limits that will accomplish this and have strong enforcement of these limits. base the limits on Science and not industry lobbyists.

From: George A. Beadles Jr. |
Sent: Friday, February 18, 2011 4:26 PM
To: Smigo, Margaret (DEQ)
Subject: RE: "James PCB PUBLIC COMMENT"

Follow Up Flag: Follow up
Flag Status: Flagged

At my age and lack of education on the real meanings of words and goals in regulations, I might have the two confused and then I might really not.

I wonder if geese could run afoul of PCBs and carry PCBs in and on their body and it be in their droppings. I guess the PCBs would kill the geese and their dead bodies would then add to the problem if they are near the water or in the drainage path.

I seem to remember hearing that sometimes in cleaning up one problem there are side affects that we did not expect.

I believe that I will leave my comment in. I know that comments are a serious thing.

Thank You for your comments.
I hope that you enjoyed your time off.

George Andrew Beadles, Jr.
|

Volunteer usually on Monday and Friday

Subject: RE: "James PCB PUBLIC COMMENT"
Date: Fri, 18 Feb 2011 14:30:04 -0500
From: Margaret.Smigo@deq.virginia.gov
To: George Beadles

Good Afternoon Mr. Beadles,

We appreciate your comment! I wanted to be sure you understood that the PCB project is to try and determine the source of poly-chlorinated biphenyl's in the James River, this is very different from the bacteria project. We just finished a bacteria project for the James River in Sept 2010, and are working on the implementation plan for to try and reduce bacteria sources currently. I wanted to be sure you weren't confusing the two projects – if so, you're more than welcome to retract your email comment.

Having said that, I'm more than happy to include your comment. For your information, PCBs are a man-made contaminant and used in industry, and we wouldn't in general consider the goose population to be a source of PCBs or to be agents which could exacerbate that issue. The overpopulation of geese can create a bacteria problem of course! PCBs – not so much. Again, I'm happy to keep your comment but if you confused the two projects you may choose to retract it. We will be having a public meeting and comment period for the James

River bacteria implementation draft – probably in May. You could choose to apply your comment then if you so choose.

If you need further clarification – I'm happy to help!
Best Regards,
Margaret Smigo

From: George A. Beadles Jr.
Sent: Tuesday, February 08, 2011 1:17 PM
To: Smigo, Margaret (DEQ)
Subject: "James PCB PUBLIC COMMENT"

I have enjoyed reading comments in the various emails.
I would think that in certain watersheds that the Canadian Goose populations would need to be controlled. Many streams and ponds have short grass where the geese have left enough droppings where you can not walk without picking it up on your shoes. These water bodies will get the runoff during certain types of storm events. The water quality might be better if in some watersheds, dogs or other control methods might be used to prevent the geese from nesting or prolonged visitation.

George Andrew Beadles, Jr.

Volunteer usually on Monday and Friday

From: Richards, Mark (DEQ)
Sent: Friday, February 04, 2011 10:17 AM
To: Smigo, Margaret (DEQ); Scott Wolff
Cc: Alling, Mark (DEQ)
Subject: RE: *TIDAL JAMES RIVER & TRIBUTARIES PCB TMDL - PUBLIC MEETING RECAP*

In addition to Margaret's response, the samples were grab (4L) and not filtered. For TMDL studies we are interested in both dissolved and particulate PCBs since we are interested in the total load.

With regard to the high/res digital map, I would have to defer to Mark Alling or Margaret.

Please let us know if you have any other questions.

Mark R.

mark.richards@deq.virginia.gov

Mark A. Richards
Office of Watershed Programs
Department of Environmental Quality
629 East Main St.
Richmond, VA 23219
(804) 698-4392

From: Smigo, Margaret (DEQ)
Sent: Friday, February 04, 2011 10:12 AM
To: Scott Wolff
Cc: Richards, Mark (DEQ); Alling, Mark (DEQ)
Subject: FW: *TIDAL JAMES RIVER & TRIBUTARIES PCB TMDL - PUBLIC MEETING RECAP*

Hi Mr. Wolff,
See Mark Alling's response below on the station locations. I have asked both Mark's to follow up with you with answers to your remaining questions. I'm headed out of town for the next week.

Thanks,
Margaret

From: Alling, Mark (DEQ)
Sent: Friday, February 04, 2011 10:01 AM
To: Smigo, Margaret (DEQ); Richards, Mark (DEQ)
Subject: RE: *TIDAL JAMES RIVER & TRIBUTARIES PCB TMDL - PUBLIC MEETING RECAP*

The LatLongs for the stations are:

2-GRV000.01	37 17 50.9, -77 15 22
2-PTH000.42	37 18 23.2, -77 16 32.4

From: Smigo, Margaret (DEQ)
Sent: Thursday, February 03, 2011 6:21 PM

To: Alling, Mark (DEQ); Richards, Mark (DEQ)
Subject: FW: *TIDAL JAMES RIVER & TRIBUTARIES PCB TMDL - PUBLIC MEETING RECAP*

If either of you two could handle this request I'd be most appreciative!

From: Wolff, Scott R. _____
Sent: Thursday, February 03, 2011 5:48 PM
To: Smigo, Margaret (DEQ); Richards, Mark (DEQ)
Subject: RE: *TIDAL JAMES RIVER & TRIBUTARIES PCB TMDL - PUBLIC MEETING RECAP*

Mark & Margaret –

Thank you for posting the presentations and handouts from the subject meeting.

Regarding the document: DEQ Tidal James River Ambient Water Quality PCB Results → would you please send me the LONG & LAT info for the following two monitoring stations:

2-GRV000.01	Gravelly Run 15m above mouth
2-PTH000.42	Poythress Run at Station Street, Hopewell

Also, I'd like to obtain a high-res digital map showing the streams and monitoring stations around Hopewell → so if you can help w/that I would appreciate it.

Lastly, I have the following two questions about DEQ's PCB Results:

- Were the samples composite or grab?
- Were the samples filtered – or did the analysis include the suspended solids?

Thanks in advance for your help,

Scott Wolff

Environmental Engineer
Honeywell

From: Smigo, Margaret (DEQ) [mailto:Margaret.Smigo@deq.virginia.gov]
Sent: Wednesday, February 02, 2011 5:02 PM
Cc: Richards, Mark (DEQ); shen; A440-AC-DEQ-MONTR_Staff (DEQ); A440-AC-DEQ-PDMNT_Staff (DEQ)
Subject: *TIDAL JAMES RIVER & TRIBUTARIES PCB TMDL - PUBLIC MEETING RECAP*

Good Afternoon,

Thank you for your participation in the public meetings for the initiation of the tidal James River and Tributaries PCB water quality study which were held yesterday, February 1, 2011. An afternoon meeting was held at the East End Library at 2pm (~ 45 people attended) and an evening meeting was held at the DEQ Central Office at 6pm (~ 14 people attended).

The presentations that were given and the handouts that were available at the public meetings can now be found on the DEQ website:

http://www.deq.virginia.gov/tmdl/pcb.html

A comment period for the information included in the public meeting will expire on Friday March 4th, 2011. **No document is being provided for public review at this time; rather, the comment period is to garner public input regarding watershed activity related to the study.** Please submit comments to:

Margaret Smigo
4949-A Cox Road
Glen Allen, VA 23060
or email them to*: Margaret.Smigo@deq.virginia.gov
or fax them to: (the attention of) Margaret Smigo at (804)527-5106

If you email a comment, please type "James PCB PUBLIC COMMENT" or something to that effect in the subject line so it is clear to me that you intend for your email to be included in the comment period. – Thanks!

STUDY BACKGROUND:

The Virginia Department of Environmental Quality has initiated a Total Maximum Daily Load (TMDL) study for the James River and selected tributaries for Polychlorinated Biphenyl's (PCBs). PCBs were first detected in fish-tissue samples collected at monitoring stations along the James River and its tributaries (you are likely familiar with signs for fish advisories) in the early 2000s. PCBs were historically used as coolants and lubricants, particularly in transformers, capacitors, and other electrical equipment, because of their high burn temperature and were good insulators. The U.S. prohibited production of PCBs in 1977 because it was found that they accumulate and persist in the environment (especially within the fatty tissue of animals) and evidence showed that PCBs can cause harm to human health (ATSDR, 2001).

The waterways which are impaired for fish consumption due to the concentration of PCBs are: Appomattox River (to Lake Chesdin Dam), Poythress Run, Bailey Creek (to Route 630), Chickahominey River (to Walkers Dam), Skiffes Creek (to Skiffes Creek Dam), Pagan River (and tributary Jones Creek), Chuckatuck Creek, Nansemond River (and tributaries Bennett Creek and Star Creek), Hampton River, Willoughby Bay and the Elizabeth R. system (Western, Eastern, and Southern Branches and Lafayette R.) and tributaries St. Julian Creek, Deep Creek, and Broad Creek. The impairment is considered to extend from the fall line in Richmond to the Hampton Roads Bridge-Tunnel. The meetings held yesterday focused on the impairments between the fall line in Richmond to the Charles City Co/Surry Co boundaries along the James River. The overall study (which has only just begun) will report on sources of PCB contamination and will recommend total maximum daily loads, or TMDLs, for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, pollutant levels have to be reduced to the TMDL amount.

Again, thank you for your participation! If you have any questions, you may contact either me (email above) or Mark Richards at Mark.Richards@deq.virginia.gov.

Best Regards,

Margaret Smigo
DEQ-Piedmont Regional
TMDL Coordinator

Smigo, Margaret (DEQ)

From: Smigo, Margaret (DEQ)
Sent: Tuesday, March 29, 2011 1:36 PM
To: 'Sam Forrest'
Cc: 'sen.mceachin@gmail.com'; 'DelJMcClellan@house.virginia.gov'; Richards, Mark (DEQ)
Subject: DEQ response to your comments on PCB TMDL development for James River (meetings 2/1/11)...

Good Afternoon Mr. Forrest,

DEQ appreciates your attendance at the public meeting held on 2/1/11. I received 2 public comments from you, the first on 2/2/11 and the second on
3/4/11.

In response to your comments, PCB pollution presents a difficult challenge for mitigation of impaired waterways. While PCBs were banned in the 1970s, they are a chemical which persist in the environment. As a result, determining the source of contamination can be difficult. The low-level detection method of analysis for PCBs is very expensive which is why DEQ has asked facilities with VPDES permits to participate in a voluntary monitoring study in order to acquire additional background data of facility effluent for PCBs. This data will be used in conjunction with the data DEQ has collected from the James and its tributaries. Data will be utilized in a model which the Virginia Institute of Marine Science (VIMS) is developing and should provide us with detailed information regarding the PCB loads and the reductions necessary to meet the in-stream water quality criterion. The TMDL will document the PCB contribution of facilities in the watershed in order for remediation of those sites to occur (through a pollution minimization plan which would be added to a facility's VPDES permit). Facilities however, are not our only source of PCB pollution. PCB deposition also occurs from unknown non-point source (via runoff from rainfall) and from the atmosphere. DEQ TMDL staff are working with air-monitoring staff in order to develop a study for atmospheric deposition. One additional aspect which compounds the difficulty of mitigating PCB pollution is that the current technology for the removal of PCBs from facility effluent is insufficient for reaching the water quality criterion at this time.

DEQ understands that the process can be frustrating and is committed to developing a document which will address the PCB pollution from permitted and non-permitted sources in the James River and its Tributaries. We hope you will continue your participation in the development of this study by attending our upcoming Technical Advisory Committee Meeting (e-vite and notice coming soon) and future public meetings.

Best Regards,

Margaret Smigo
VA DEQ Piedmont Regional
TMDL Coordinator
4949-A Cox Road
Glen Allen, VA 23060
Office (804)527-5124
Fax (804)527-5106

From: Sam Forrest
Sent: Friday, March 04, 2011 6:10 PM
To: Smigo, Margaret (DEQ)
Subject: Chesapeake Bay

Again, I want the Bay and its tributaries made clean, regardless of the costs.

Sam Forrest

From: Sam Forrest
Sent: Wednesday, February 02, 2011 9:51 AM
To: Smigo, Margaret (DEQ)
Subject: James River PCB loads

Dear Ms. Smigo:

I attended your public hearing on 2/1/11 about Total Maximum Daily Loads of PBC's in the James River. Your proposed study seems reasonable.

However, I was not comforted by the seeming lack of imperative to require the known polluters to stop polluting, now.

I suggest you re-order your priorities to prosecute known polluters now which appear to constitute maybe 75% of the problem. At the same time, continue your study for the finer points.

Also, review the legal tools at your disposal. If you do not have a clear and direct legal remedy for offenders, design what you need and present it to the General Assembly.

I want my rivers and Bay clean now; no more delays.

Sincerely yours,

Sam Forrest

cc: Delegate Jennifer McClellan
Senator Donald McEachin

Smigo, Margaret (DEQ)

From: Smigo, Margaret (DEQ)
Sent: Tuesday, March 29, 2011 3:39 PM
To: 'Dr. Peter L. deFur'
Cc: nathan lott; Richards, Mark (DEQ)
Subject: RE: Lower James R TMDL for PCBs

Good Afternoon Dr. deFur,

DEQ thanks you for your participation in the James River (tidal) and Tributaries PCB public meeting held 2/1/11 and for the public comment you submitted on 3/3/11. We also appreciate the attendance and interest of your students in this ongoing study.

Both you and Mr. Lott have been added as contacts for the project development and will receive updates regarding technical advisory committee and public meeting notices.

DEQ values your suggestions regarding outreach during the development process. DEQ is awaiting the submittal of data by VPDES facilities which were requested to voluntary sample (~60 facilities in Piedmont Region). This data will used in conjunction with the data collected by DEQ and used as input for the model (being developed by VIMS). In addition, DEQ is developing an air study of PCB deposition in the James River tidal watershed. You alluded to a meeting of engineers and scientists to discuss the detailed aspects of the study development. A Technical Advisory Committee (TAC) meeting has been scheduled for late April (an email notice and public notices are pending) and attendance will be open to all watershed stakeholders. Facility monitoring data and information regarding the proposed PCB air study are two topics which will be discussed at this meeting. Sufficient time will be allotted for discussion/and questions for the "subtle and not so subtle" items you referenced below.

DEQ cannot guarantee a quarterly public meeting as the scheduling will based on whether new data is available to share and the availability of DEQ and VIMS staff to conduct meetings. However, the agency is committed to updating stakeholders as often as possible. Doing so might be achievable via email correspondence or by the posting of documents on the DEQ website (http://www.deq.virginia.gov/tmdl/pcb.html).

Again, your input is greatly appreciated. If you or your students have additional questions, recommendations, or concerns, please feel free to contact me.

Best Regards,

Margaret Smigo
VA DEQ Piedmont Regional
TMDL Coordinator
4949-A Cox Road
Glen Allen, VA 23060
Office (804)527-5124
Fax (804)527-5106

-----Original Message-----
From: Dr. Peter L. deFur
Sent: Thursday, March 03, 2011 2:55 PM
To: Smigo, Margaret (DEQ)
Cc: nathan lott
Subject: Lower James R TMDL for PCBs

Dear Ms Smigo-

Please add my name and email address to the information list for the lower James River PCB TMDL:

Dr. Peter L. deFur
ESC, LLC
1006 Pump Rd., suite 200
Henrico VA 23238

I have recommendations on how DEQ will proceed with the TMDL:

First, I recommend a regular meeting open to the public for updates on the progress. This meeting can be quarterly or every 4 months during this phase, but may increase later.

In addition, I strongly recommend a technical group of scientists, engineers who will meet more often than the update group, and will discuss/consider the subtle and not-so-subtle issues that will be a fundamental part of this TMDL.

The DEQ web site(s) on the PCB TMDLs are a positive addition and have useful information.

thank you for your attention,

PL deFur

ESC, LLC
1006 Pump Rd., Suite 200
Henrico VA 23238

Smigo, Margaret (DEQ)

From: Smigo, Margaret (DEQ)
Sent: Tuesday, March 29, 2011 3:48 PM
To: A. Wortzel
Cc: Richards, Mark (DEQ)
Subject: FW: Comments on PCB TMDL for Tidal James
Attachments: 3_29_11_deq_re_vmawortzel_1st_jmspcbpubc.pdf

Good Afternoon Ms. Wortzel,

DEQ thanks you for your participation in the public meeting on 2/1/11 for the initiation of the James River PCB TMDL study and for the comments you submitted on behalf of Virginia Manufacturers Association on 3/4/11. DEQ has responded to your comments in the attached letter.

Please let me know if you have any questions.

Best Regards,

Margaret Smigo
VA DEQ Piedmont Regional
TMDL Coordinator
4949-A Cox Road
Glen Allen, VA 23060
Office (804)527-5124
Fax (804)527-5106

From: Wortzel, Andrea [
Sent: Friday, March 04, 2011 1:07 PM
To: Smigo, Margaret (DEQ)
Cc: Richards, Mark (DEQ)
Subject: Comments on PCB TMDL for Tidal James

Attached please find comments submitted on behalf of the Virginia Manufacturers Association on the initial meeting regarding development of a PCB TMDL for the Tidal James.

Please let me know if you have any questions or cannot open the attachment.

Thank you,
Andrea

Home | VCard | Bio

Andrea Wortzel
Counsel

HUNTON& WILLIAMS

Firm Green

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 1105, Richmond, Virginia 23218
TDD (804) 698-4021
www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

March 29, 2011

Ms. Andrea W. Wortzel

Re: Tidal James River and Tributaries PCB TMDL

Dear Ms. Wortzel,

Thank you for your interest and participation in the initial public meeting held on 2/1/11 for development of the Tidal James River Polychlorinated Biphenyl (PCB) Total Maximum Daily Load (TMDL). With the input from stakeholder groups such as the Virginia Manufacturing Association (VMA), the Department of Environmental Quality (DEQ) believes there will be increased defensibility and ultimate improvement to the final TMDL.

By letter dated March 18, 2011, DEQ's Water Division Director, Dr. Ellen Gilinsky, provided a response addressing many of your concerns as they relate to EPA Method 1668. A draft amendment to the Point Source Monitoring Guidance was also included for your review. DEQ appreciates and understands VMAs concerns regarding the EPA Method 1668 updates that have occurred in a short time frame. While not readily apparent, a problem with version B is the unrealistic QC acceptability requirements that cannot always be met by the laboratories (i.e., known standards recovered above 100% are unacceptable). To address concerns, DEQ is accepting all three method versions until 1668C is promulgated by EPA.

To address the potential for background PCB contamination derived from the laboratory, Dr. Gilinsky's correspondence alluded to a forthcoming PCB Guidance document. This guidance is being developed to provide a standardized approach to evaluate PCB data derived from method 1668. The guidance will also include a method to calculate a total PCB (tPCB) concentration. With DEQ's recognition that background PCB contamination may occasionally be a concern, particularly when effluent concentrations are low, an approach for reducing the impact will be included. The management of potentially anomalous data will also be addressed. A draft document will be forwarded for your review once it is complete.

Lastly, as a cost control measure for permittees asked to perform low level PCB monitoring, DEQ suggested permittees coordinate efforts when establishing analytical contracts with laboratories. It is more cost effective to run analytical batches in groups of 20 as opposed to one or two samples at a time. The focus of this suggestion was targeted at *sample analysis* and not

necessarily *sample collection* since methods have been standardized with the PCB Point Source Monitoring Guidance. As such, a lack of sample collection coordination will have little impact on data variability provided the Guidance is followed and approved laboratories are used.

DEQ will be forming a Technical Advisory Committee (TAC) in the near future. This will be another opportunity for VMA to participate in this process.

Sincerely,

Margaret Smigo

Margaret Smigo
DEQ - Piedmont Regional TMDL Coordinator

cc: Mark Richards

HUNTON & WILLIAMS

HUNTON & WILLIAMS LLP
RIVERFRONT PLAZA, EAST TOWER
951 EAST BYRD STREET
RICHMOND, VIRGINIA 23219-4074

TEL 804 • 788 • 8200
FAX 804 • 788 • 8218

ANDREA W. WORTZEL

March 4, 2011

By E-Mail: Margaret.Smigo@deq.virginia.gov

Margaret Smigo
Department of Environmental Quality
Piedmont Regional Office
4949-A Cox Road
Glen Allen, VA 23060

Re: Tidal James River and Tributaries PCB TMDL

Dear Ms. Smigo:

Thank you for the opportunity to provide comments on the initial presentations and information provided by DEQ about the Tidal James River and Tributaries PCB TMDL. I am writing on behalf of the Virginia Manufacturers Association ("VMA"). VMA members have been actively involved in the development of TMDLs throughout the state, and have also participated in the development of DEQ guidance relating to PCB monitoring. Many VMA members have facilities located within the James River watershed and look forward to working with DEQ as the PCB TMDL for the Tidal James River is developed.

These comments reiterate previous comments made by VMA about the accuracy and use of data generated by Method 1668B. At the time DEQ developed its PCB monitoring guidance, VMA raised concerns that the developmental nature of Method 1668, combined with the ubiquitous nature of PCBs and the extremely low detection limits associated with that method, would result in the generation of unreliable data. Since the time of VMA's previous comment letters, EPA has developed a third version of Method 1668 (Method 1668C) that is the subject of significant critical public comments. The validity, feasibility, and cost of Method 1668, which few labs are qualified to perform, continues to be the source of considerable concern to the regulated community.

As a result of VMA's previous letters, as well as a study of Method 1668B that VMA conducted in conjunction with the Virginia Association of Municipal Wastewater Agencies ("VAMWA"), DEQ agreed that changes to its PCB monitoring guidance would provide needed clarifications and greater likelihood of consistency in the data generated. To date, the guidance has not been modified. The guidance should be modified and reissued well in advance of any monitoring activity relating to the development of the James River PCB TMDL.

At the public meetings initiating the Tidal James PCB TMDL process, DEQ indicated that the experience of developing PCB TMDLs for the Potomac and Roanoke Rivers would be used as a model for the James. VMA notes that, for consistency purposes, a single laboratory was used for the 1668A analysis of all samples collected in the Potomac. Because Method 1668 is a performance-based method, there can be great variability in the development of detection limits and quantification levels by each laboratory. Additionally, to account for concerns regarding elevated background concentrations associated with blanks, point source stakeholders and DEQ agreed upon a procedure to adjust final PCB concentrations for background removal.

To date, this type of coordination has not happened in the Tidal James. Facilities received letters requesting that monitoring be conducted, but each facility is doing its own collection and selecting its own laboratory to do the analysis. As a result, there may be great variability in the data generated. A policy for evaluating the results and discarding anomalies should be developed with input from all stakeholders.

VMA supports DEQ's plan to implement the PCB TMDL for the Tidal James through the use of pollutant minimization plans rather than effluent limitations. This is consistent with the approach that EPA has approved for both the Potomac and Roanoke River PCB TMDLs. This approach has also been successfully used in the Delaware River Basin, arguably the basin with the most experience in addressing PCB contamination. Moreover, this approach makes sense given the concerns about the data generated by Method 1668, the ubiquitous nature of PCBs, and the potential for PCBs to be present as a pass-through pollutant.

Finally, VMA reiterates the need for revisions to the PCB monitoring guidance. Given the short timeframe for collecting samples, having them analyzed, and development of the TMDL, there is a need for the revised guidance to be issued as soon as possible.

Thank you again for the opportunity to provide these comments. If you have any questions, please call me at

Sincerely,

Andrea W. Wortzel

Andrea W. Wortzel

cc: Mark Richards

COMMONWEALTH of VIRGINIA

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Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

Michael P. Murphy
Regional Director

March 30, 2011

Ms. Jackie S. Stewart
Planning & Information Systems Director
Richmond Regional PDC
9211 Forest Hill Ave, Suite 200
Richmond, VA 23235

RE: Environmental Review and Comment for Total Maximum Daily Load Study for the James River (received 2/22/11)

Dear Ms. Stewarts,

DEQ appreciates the review and comment received by the RR PDC for the James River and Tributaries PCB study which was initiated by public meeting on 2/1/11. Thank you for your participation in that meeting and for the RR PDC's letter of support.

DEQ looks forward to working with the PDC to develop this study.

Best Regards,

Margaret Smigo

Margaret Smigo
DEQ – Piedmont Regional TMDL Coordinator

cc: Mark Richards

Richmond Regional
Planning District Commission
Metropolitan Planning Organization

MEMORANDUM

TO: Margaret Smigo

FROM: Jackie S. Stewart
Director of Planning and Information Systems

DATE: February 17, 2011

SUBJECT: **ENVIRONMENTAL REVIEW AND COMMENT**

Project Title: VADEQ Total Maximum Daily Load Study for the James River

CCN: VA11-0217-3017-015-00760

The RRPDC received a request for comment concerning this proposal on February 3, 2011. RRPDC staff sent the request to staff of planning district member localities on February 3, 2011 in order to solicit comments to include in a comment letter. Any documents associated with the request were made available to locality staff. Response comments from locality staff were requested on or before close of business February 17, 2011.

RRPDC staff received no comments from locality staff.

RRPDC staff has reviewed the proposed project and supports the project as proposed.

Signature J S Stewart
Jackie S. Stewart
Planning & Information Systems Director

JSS/sgs

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March 30, 2011

Mr. Roy Bryant
Citizen of James River Watershed

RE: Public Comment for James River PCB Study (submitted a list of churches in the James River watershed to notify communities of public meetings)

Dear Mr. Bryant,

DEQ received the list of churches you provided which we should notify about the ongoing PCB study. We will use your list and contact each of them prior to additional public and Technical Advisory Committee Meetings. If you come up with any further suggestions about how we can supply additional community outreach regarding the PCB impairments on the James River, please don't hesitate to contact me at (804)527-5124.

Thank you again for your participation in the public meeting on 2/1/11 and for submitting the list of churches.

Best Regards,

Margaret Smigo

Margaret Smigo
DEQ-Piedmont Regional TMDL Coordinator

cc: Mark Richards

Roy Bryant - citizen suggestions for advertising future meetings.

Aldersgate unite methodist church 648-8031
3006 E Labunam

Asbury Church Hill unite Methodist 648-6690
~~915 Richmond~~ Rd 324 N 29 St

Fresh Anointing cathedral 228-1760
3001 2nd Av. Richmond

Cathedral of Judah - 303-2029
2805 Hull St Richmond

Tower of Deliverance church of God in Christ 230-0082
118 Cowardin ave Richmond

Crusade for christ Family Worship Church 359-1502
1700 W moore st

Christ church Fairmont 559 8070
6502 Creighton Rd

First African Baptist Church 329-7279
2700 Hanes ave

[illegible] Baptist church south Rich 233-7679

[illegible] Baptist church 643 2129
[illegible] St Richmond

St. John's united Holy Church 643-2986
1527 N 28th St.

New Covenant Pentecostal Church 233-8901
3459 Chapel Rd Richmond

Ginter Park Presbyterian Church 359-5049
3601 Seminary Rd

All Souls Presbyterian Church 353-7321
~~[illegible]~~ 19 Overbrook Rd Richmond

First United Presbyterian Church 321-5374
3401 North end

Jerusalem Holy Church 232-0239
200 E 12th St

Mt Zion Holy Church 232-7904
3401 Chapel Rd Richmond

Cathedral Deliverance Ministries 230-6153
1511 Stockton St Richmond

Calvary Pentecostal 230-3866
2701 Hull St

Faith Landmark Ministries 262-7104 ~~[illegible]~~
8491 Chamberlayne Rd

From: Richards, Mark (DEQ)
Sent: Friday, February 04, 2011 12:16 PM
To: Sawyer, Cheryl
Cc: Smigo, Margaret (DEQ)
Subject: RE: *TIDAL JAMES RIVER & TRIBUTARIES PCB TMDL - PUBLIC MEETING RECAP*

Thanks Cheryl! We will certainly keep you informed about the upcoming TAC meetings. The purpose of these meetings will be to keep folks informed and updated on a more technical level than what takes place at the public meetings.

Mark

mark.richards@deq.virginia.gov

Mark A. Richards
Office of Watershed Programs
Department of Environmental Quality
629 East Main St.
Richmond, VA 23219
(804) 698-4392

From: Sawyer, Cheryl [mailto:
Sent: Friday, February 04, 2011 10:48 AM
To: Smigo, Margaret (DEQ)
Cc: Richards, Mark (DEQ); shen; A440-AC-DEQ-MONTR_Staff (DEQ); A440-AC-DEQ-PDMNT_Staff (DEQ)
Subject: RE: *TIDAL JAMES RIVER & TRIBUTARIES PCB TMDL - PUBLIC MEETING RECAP*

Margaret and Mark Richards, Thank you for holding the meeting. I found the meeting and DEQ's intent to be very positive. I would be interested in helping DEQ in an advisory group if it is felt that I can bring some value. I worked with Mark back in the day a long time ago with HRSD. My background is former college instructor in chemistry (TCC here in Tidewater and former full time with FL Jr College) ; former lab director for HRSD (North Shore); former NNSDD pretreatment plant manager (Chemical WT and Oil WT), and my current position as EHS Manager for Cogentrix, a small power company.

Cheryl Sawyer, Manager. EHS Cogentrix Energy
cell